



# TENNESSEE REAL ESTATE News-Journal

An Official Publication of the Tennessee Real Estate Commission

VOLUME: 13

SPRING 2005

NUMBER: 4

## TREC TO ACCEPT DISTANCE EDUCATION FOR PRE-LICENSE REQUIREMENTS

The Tennessee Real Estate Commission on April 6, 2005 voted to accept applications for pre-license education courses in a distance learning format. The Commission will then review the classes and approve those which meet the statutory requirements for pre-license education for both affiliate and broker licensure candidates. Distance learning formats can include paper and pencil correspondence courses, courses which are delivered by

computer disk and courses which can be accessed via the internet. The Commission has already approved continuing education courses which can be completed via distance learning. Currently approved schools have been notified of this decision and have been informed distance learning formats other than paper and pencil courses must carry ARELLO Primary Certification before they will be considered by the Commission.



Commission Chairman Charles Haynes, Bob Clement and Vice-Chairman Frances Almany at a recent luncheon honoring Clement.

## CLEMENT HONORED FOR TREC SERVICE

Members and Staff of the Tennessee Real Estate Commission recently honored Commissioner Bob Clement for his service as a member of the Commission. Clement is a former U.S. Congressman representing the 5th Congressional District. His wife, Mary, serves as the Director of the Consumer Affairs Division of the Department of Commerce and Insurance.

### This Issue

Buyer Representation by: Bobbi Gillis, Commissioner	p. 2
Schools/Courses Accessed from Main Webpage	p. 2
TREC to Stagger Expiration Date of All Licenses	p. 2
Disciplinary Action	p. 3
TREC Seminar Schedule	p. 5

## Governor Bredesen Appoints Robbie Helton to Commission

Robbie Helton of Lenoir City was appointed to the Commission by Governor Bredesen in January. He will serve as a consumer member from East Tennessee. Helton is a Representative of the Tennessee Carpenters Regional Council of the United Brotherhood of Carpenters and Joiners of America (UBCJA). He is a graduate of Lenoir City High School and attended a four year apprenticeship with the UBCJA. He is married to wife Cheri and they have a teenage son named Andy.

Continued on Page 4, Column 3

**See TREC  
Spring Seminar Schedule  
(On Page 5)  
Seminars Begin  
June 6, 2005**

## Buyer Representation

By

Bobbi Gillis, Commission Member

As Commissioners on the Tennessee Real Estate Commission, we receive a number of calls each week regarding problems or issues that concern licensees. One of the issues that has come up regularly in recent months has been one of Buyer Agency. Obviously, the agency law came about because of consumer misconceptions of who represented whom. The Agency Law was passed to make sure that each buyer and seller had equal opportunity to be properly represented by a professional, who would look out for their best interests in a transaction.

Unfortunately, there has been a great deal of misunderstanding on the part of consumers or non disclosure on the part of agents as they obtain signatures of prospective buyers on Exclusive Buyer Agency Forms. There are two types of forms currently being used: (1) Exclusive Buyer Agency forms that tie the buyer to the agent

regardless of who finds the property, and a less obtrusive form known as the (2) Non-Exclusive Buyer Agency Form that allows both parties to opt out of the agreement if either party is unhappy with the performance of the other.

It is very important that Buyer's Agents make certain that their clients understand the Buyer's Representation Agreement before they sign the Agreement. Consumers are complaining to us as Commissioners, that the Buyer's Agent did not explain or disclose the Buyer's responsibility in the agreement and the Buyer can not be represented by another agent during the agreement period. To curtail misunderstandings, the Commission voted at its July 2004 meeting to accept Policy Number 2004-CPS- 001 which was published in the Summer 2004 edition of the News- Journal and the Commission is currently in the process of drafting a rule to cover Buyer Representation.

## TREC TO STAGGER THE EXPIRATION DATE OF ALL LICENSES

The Tennessee Real Estate Commission at its November 2004 meeting voted to stagger the expiration dates of licenses in order to provide more consistent services to all licensees. Currently all real estate licenses expire December 31 of even numbered years. The renewal activities which occur the several months preceding and following the license expiration dates slow down the processing of other transactions requested by licensees (such as transfers, change of status, new applications and name changes). The Department of Commerce and Insurance has successfully accomplished the staggering of license expiration dates for almost all of the professions regulated in that department and is anxious to assist with this process for the Real Estate Commission. The Commission will provide licensees with more information via the News-Journal as that information becomes available.

## SCHOOLS AND COURSES CAN BE ACCESSED FROM MAIN WEBPAGE

In an effort to make locating TREC approved schools and approved courses easier, access to this information has been moved to the Commission's home page. The TREC web address is [state.tn.us/commerce/boards/trec](http://state.tn.us/commerce/boards/trec)

When the front page is viewed you may locate schools and courses by clicking on "Approved Schools/Courses" under Licensing Resources. The schools will appear in alpha order with the courses listed after the school name and contact information.

**Please  
see June  
Seminar  
Information  
on Page 5**

# DISCIPLINARY ACTION

## AUGUST 2004

**Kevin Shoemaker**  
**Lic. No. TS275129**  
**Gatlinburg, TN**

Mr. Shoemaker agreed to pay a civil penalty of \$250.00 for failing to complete the administrative measures necessary to transfer his license.

**Floyd Miller**  
**Lic. No. AF241256**  
**Clarksville, TN**

Mr. Miller consented to pay a civil penalty of \$600.00 for failure to timely provide the Commission with proof of errors and omissions insurance and failure to complete education.

**Sheri Good**  
**Lic. No. AF259393**  
**Knoxville, TN**

Ms. Good agreed to pay a civil penalty of \$250.00 for failing to timely complete administrative measures to transfer her license.

**William S. Lanier**  
**Lic. No. PB235419**  
**Lewisburg, TN**

Mr. Lanier consented to pay a civil penalty of \$250.00 for failure to provide written confirmation of agency status.

**James R. Murphy**  
**Lic. No. PB238658**  
**Springfield, TN**

Mr. Murphy consented to pay a civil penalty of \$1,250.00 for failure to supervise and failure to make certain that all conditions of transactions are included in the contract.

**Richard D. Clanton**  
**Lic. No. AF253255**

## Knoxville, TN

Mr. Clanton's license was revoked for failure to notify the Commission of a criminal conviction.

## SEPTEMBER 2004

**Mullins Land & Appraisal Co.**  
**Lic. No. F57578**  
**Cookeville, TN**

Principal Broker Joseph Mullins agreed to pay a civil penalty of \$500.00 for an escrow account violation.

## OCTOBER 2004

**Shontell Willingham**  
**Lic. No. AF284098**  
**Memphis, TN**

Mr. Willingham agreed to pay a civil penalty of \$250.00 for failing to provide the Commission with proof of errors and omissions insurance.

**The Hunter Company**  
**Lic. No. F212636**  
**Nashville, TN**

Principal Broker J. Terry Hunter, pursuant to an inspection by a TREC auditor, agreed to pay a civil penalty of \$250.00 for an escrow account violation.

**Clouse & Associates**  
**Lic. No. F258038**  
**Nashville, TN**

Principal Broker Preston Balthrop, pursuant to an inspection by a TREC auditor, agreed to pay a civil penalty of \$250.00 for failing to display signage for the firm.

**Walter Dunn & Associates, LLC**

**Lic. No. F257985**  
**Cordova, TN**

Principal Broker Ronnie Moore, pursuant to an inspection by a TREC auditor, agreed to pay a civil penalty of \$250.00 for failing to provide written agency disclosure.

**ERA Walter Dunn & Associates**  
**Lic. No. F257117**  
**Cordova, TN**

Principal Broker Ronnie Moore, pursuant to an inspection by a TREC auditor, agreed to pay a civil penalty of \$250.00 for failing to provide written agency disclosure.

**Southland Realty Corporation**  
**Lic. No. F250448**  
**Memphis, TN**

Principal Broker Terry Lynch, pursuant to an inspection by a TREC auditor, agreed to pay a civil penalty of \$250.00 for failing to account for escrow moneys.

**Jerrod Robinson**  
**Lic. No. AF288772**  
**Chattanooga, TN**

Mr. Robinson agreed to pay a civil penalty of \$250.00 for failing to provide proof of errors and omissions insurance.

**Cabin Fevers Vacations**  
**Lic. No.**  
**Pigeon Forge, TN**

Cabin Fevers Vacations consented to pay a civil penalty of \$500.00 for misleading advertising.

**NOVEMBER 2004**

**Colonial Realty Company**  
**Lic. No. F258125**  
**Nashville, TN**

Principal Broker James B. Ragland, Jr. agreed to pay a civil penalty of \$250.00 for failure to display signage for the firm.

**V.C.M., Inc.**  
**Lic. No. F231336**  
**Cordova, TN**

Principal Broker Joel Smith, pursuant to an inspection by a TREC auditor, agreed to pay a civil penalty of \$250.00 for failing to account for an escrow deposit in a reviewed transaction.

**Tennessee Valley Business Brokers & Realty**  
**Lic. No. F257389**  
**Knoxville, TN**

Principal Broker Linda Davis, pursuant to an inspection by a TREC auditor, agreed to pay a civil penalty of \$250.00 for failure to timely notify the Commission of a change in business address.

**Richard A. Moe, Sr.**  
**Lic. No. BR255566**  
**Sevierville, TN**

Mr. Moe consented to pay a civil penalty of \$250.00 for conduct which constitutes improper dealings.

**Steven W. Sengson**  
**Lic. No. AF283007**  
**Oak Ridge, TN**

Mr. Sengson agreed to pay a civil penalty of \$250.00 for failing to timely complete administrative measures required to change the status of his license.

**DECEMBER 2004**

**Karen Crawford**  
**Lic. No. PB262475**  
**Memphis, TN**

Ms. Crawford consented to pay a civil penalty of \$500.00 for continuing to operate after failing to renew her license.

**JANUARY 2005**

**Billy W. Patrick**  
**Lic. No. AF52843**  
**(revoked)**  
**Germantown, TN**

Mr. Patrick's real estate license was revoked after a formal hearing concerning fraudulent and dishonest dealings.

**Lester Hubbard Realtors**  
**Lic. No. F255874**  
**Memphis, TN**

Principal Broker Regina Hubbard agreed to pay a civil penalty of \$500.00 for untimely distribution of escrow funds.

**Roberta L. Baker**  
**Lic. No. 263732**  
**Lakeland, TN**

Ms. Baker's license was downgraded from broker to affiliate by consent order for misrepresentation and improper conduct.

**FEBRUARY 2005**

**Davies Development Inc.**  
**Lic. No. F254781**  
**Memphis, TN**

Principal Broker William P. Davies, pursuant to an inspection by a TREC auditor, agreed to pay a civil penalty of \$250.00 for failure to timely notify the Commission of a change in business address.

**MARCH 2005**

**Elke A. Melton**  
**Lic. No. AF229927**  
**Clarksville, TN**

Ms. Melton consented to pay a civil penalty of \$1,000.00 for fraudulent and dishonest dealing.

**Pamela K. Looper**  
**Lic. No. PB267937**  
**Cookeville, TN**

Ms. Looper consented to pay a civil penalty of \$1,000.00 for failing to disburse escrow funds in a timely fashion.

---

Governor Appoints Helton to Commission  
 Continued from page 1

Mr. Helton's term runs through June 30, 2009. Contact information for Helton and all other Commission members can be located on the TREC website.

## Important Deadlines

**The Continuing Education Deadline is November 1, 2006.**

**The 16 Hours of Continuing Education Must Include the 2005-2006 TREC CORE Course.**

**The Renewal Deadline is November 1, 2006.**

**The Deadline for Purchasing Errors and Omissions Insurance is November 1, 2006.**

**TREC SEMINARS****SPRING 2005****License Law, Rule Update and Risk Reduction**

<b>Date</b>	<b>City</b>	<b>Place</b>	<b>Times</b>
June 6	Nashville	4540 Trousdale Dr.	1:00 – 3:00 PM
June 7	Nashville	4540 Trousdale Dr.	9:00 – 11:00 AM
June 8	Morristown	Holiday Inn Conf. Cntr. 5435 Davy Crockett Prkwy.	9:00 – 11:00 AM
June 8	Johnson City	Johnson City Holiday Inn	2:00 – 4:00 PM
June 9	Chattanooga	3501 Amnicola Hwy.	3:00 – 5:00 PM
June 10	Chattanooga	3501 Amnicola Hwy.	10:00 – Noon
June 23	Knoxville	609 Weisgarber Road	1:00 – 3:00 PM
June 24	Knoxville	609 Weisgarber Road	9:00 - 11:00 AM
June 27	Memphis	6393 Poplar Ave.	9:00 – 11:00 AM
June 27	Memphis	6393 Poplar Ave.	1:00 – 3:00 PM
June 28	Jackson	935-B Old Humboldt Rd.	1:00 – 3:00 PM
June 30	Hendersonville	35 Executive Park Dr. –Unit B	9:00 – 11:00 AM

There are no requirements for pre-registration and the seminars are open to all TREC licensees. The Commission will award two (2) hours of continuing education credit to licensees attending the entire seminar. Licensees must have their license number (file ID number) available to insure credit is applied to their licensure file.

## Tennessee Real Estate Commission

500 James Robertson Parkway, Suite 180  
Nashville, TN 37243-1151

Presorted Standard  
U. S. Postage  
Paid  
Nashville, TN  
Permit # 1446

Department of Commerce and Insurance  
Tennessee Real Estate  
News-Journal  
is published quarterly by the  
Tennessee Real Estate Commission

### Members of the Commission:

CHARLES HAYNES, CHAIRPERSON  
Gallatin

FRANCES ALMANY, VICE CHAIRPERSON  
Hendersonville

BOBBI S. GILLIS  
Memphis

ADREN GREENE  
Morristown

ROBBIE HELTON  
Lenoir City

ISAAC W. NORTHERN, Jr.  
Memphis

BETTY L. SMITH  
Memphis

BEAR STEPHENSON  
Clinton

Editor-in-Chief: BRUCE E. LYNN,  
Executive Director

Editor: KATHY M. RIGGS, PH.D.,  
Education Director

## Errors & Omissions Insurance Contractor for 2005-2006

### RICE INSURANCE SERVICES Co., LLC

Phone: 1-888-248-2444

Fax: 1-502-897-7174

Web: [risceo.com](http://risceo.com)

"The Tennessee Department of Commerce and Insurance is committed to principles of equal opportunity, equal access, and affirmative action." Contract the EEO Coordinator or ADA Coordinator (615) 741-1328, for TDD 615-741-6276



TENNESSEE DEPARTMENT OF COMMERCE  
AND INSURANCE AUTHORIZATION NO.  
335101, Revised 05/04. This public document was  
promulgated for 44,000 copies per issue, at a cost of  
11.25 cents per copy, paid by the Real Estate  
Education and Recovery Fund.

### TREC Contact Information:

(615) 741-2273 or 1-800-342-4031

[www.state.tn.us/commerce/boards/trec](http://www.state.tn.us/commerce/boards/trec)

### Personnel & Areas of Responsibility

#### Licensing Section:

Belinda Campbell  
Hester Curtis  
Betty Demonbreum  
Kim Dorris  
Gil Dyer  
Rachel Fowler  
Kamelia Gergis  
Darlene Hendrix  
Conell House  
Dorris O'Brien  
Karen Patton

#### Support Section:

Ruth Doak  
Sue Kerley  
Paula VanBuren  
Linda Wolfert

#### Complaint Section:

Ken Spurlock

#### Administrative Section:

Bruce Lynn  
Sharon Peebles

#### Education Section:

Betsy Bowman  
Kathy Riggs